

**-HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY-**

# **Exhibit 303**

**FILED UNDER SEAL**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SPECTRUM DYNAMICS MEDICAL LIMITED,**

**Plaintiff,**

**Case No.: 18-cv-11386 (VSB)**

**v.**

**GENERAL ELECTRIC COMPANY, GE  
HEALTHCARE, INC., GE MEDICAL SYSTEMS  
ISRAEL LTD., JEAN-PAUL BOUHNK,  
SERGIO STEINFELD, ARIE ESCHO, NATHAN  
HERMONY, and YARON HEFETZ,**

**Defendants.**

**DECLARATION OF FLORIS JANSEN IN OPPOSITION TO PLAINTIFF'S MOTION  
FOR PRELIMINARY INJUNCTION**

I, Floribertus P. Heukensfeldt Jansen, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over eighteen years of age, competent to testify to the matters stated herein, and state the following based on my personal knowledge, information, and belief.

2. I am an employee of Defendant GE Healthcare, Inc. and currently serve as Chief Scientist, Molecular Imaging and Chief Engineer, PET/MR. I submit this declaration in support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction.

**Background at GE**

3. I have been an employee of GE since December 1990.

4. From 1990 until 1997, I was an individual contributor (first Senior Physicist, then Principal Physicist) involved in the development of gamma cameras. In 1997 I moved to the Tubes Engineering organization as Manager of High Voltage and Vacuum technology. In 2000 I moved to the GE Global Research center where I served in various roles, including Manager of the Functional Imaging lab (including PET and SPECT technology) and later as Chief Scientist

for Imaging Systems. In 2013 I moved back to GE Healthcare as Chief Engineer for PET/MR, and in 2017 I took on additional responsibility as Chief Scientist for Molecular Imaging.

**The Due Diligence with Spectrum**

5. Based on what we had learned in the initial September 16, 2009 meeting, [REDACTED]

[REDACTED]

[REDACTED] (See Ex. 200.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. I [REDACTED]

[REDACTED]

[REDACTED] (See Ex. 55 at SDML\_001279769-83). Because Spectrum

had not provided all the specifications at this time, I gathered some information based on reviewing videos and photos of Spectrum's D-SPECT that were available on the internet. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (See Ex. 200 at GE\_SDM\_00286579.)

7. The simulation process generally involves four steps. First, you must design the system specifications and geometry that you want to simulate. [REDACTED]  
[REDACTED] Next, you obtain data that is used to assess the imaging performance of the simulated imaging system. This data is generally referred to as a phantom and GE has extensive experience generating phantom data, including using actual patient data. Third, you must use the simulation system to generate projection data from the phantom and finally, you must reconstruct that raw projection data into an image. The reconstructed image is then evaluated to ultimately assess the imaging performance of the simulated system.

8. In June 2010, following several months of due diligence in which Spectrum shared information with GE through a data room and GE analyzed that information, [REDACTED]  
[REDACTED]. In mid-June 2010, there was a planned on-site due diligence meeting to be held at Spectrum's facilities. I traveled to Israel to participate in that meeting and, in anticipation of it, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

9. I attended the onsite due diligence meeting from June 15-17, 2010. During the meetings, [REDACTED]. We discussed the geometry and specifications used [REDACTED] and Spectrum provided some more accurate specifications that were better than the approximations I had used based on the information obtained up to that time in the due diligence. There was no discussion of using [REDACTED]

[REDACTED]. We also discussed using different phantoms to obtain projections and reconstruct images. [REDACTED]

[REDACTED]

As I can recall, Spectrum did not show GE any simulations of its GPC design during this meeting.

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (Ex. 134 at GE\_SDM\_00550472.)

11. [REDACTED]

[REDACTED] (Ex. 97 at GE\_SDM\_00012346.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (*See id.* at GE\_SDM\_00012346.) [REDACTED]

[REDACTED] (*See id.* at GE\_SDM\_00012345.) [REDACTED]

[REDACTED] I sent my response, with the PowerPoint as planned, on June 29, 2010. (*See* Ex. 65 at SDML\_00038343.)

12. Mr. Roth responded to my email the next day and provided a few clarifying points related to the GPC simulation I had planned and concerning a simulation I was going to do for the D-SPECT. (*See* Ex. 66 at SDML\_0038353-54.) Mr. Roth's clarifications helped me to better understand the planned distance between the collimator and the patient, which affects the overall imaging quality of the system. There was no indication that the collimator Mr. Roth described in his email was [REDACTED]. If anything, the drawing that Mr. Roth sent me (*see* Ex. 66) suggests that there were exactly [REDACTED]. He also provided clarification of the expected scan pattern for the GPC. I was able to use this information as a starting point, as reflected in my July 1 response email, and to make my simulations of the GPC more faithful. (*See id.* at SDML\_00038352.)

13. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. I worked on this for most of July 2010.

14. Spectrum was eager to see the simulation and results. [REDACTED]  
[REDACTED]. (*See* Ex. 349 at GE\_SDM\_00005356.) [REDACTED]  
[REDACTED]  
[REDACTED]. (*See id.* at GE\_SDM\_00005355.)

15. During the July 29, 2010 meeting, I presented the results of my GPC simulations and the reconstructed images using GE's phantom projections to Spectrum. I recall that Spectrum's reaction was very positive, and they were overall impressed with the results at that stage. At the time, Spectrum did not present GE with any simulations, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. (See Ex. 154.)

16. Although Spectrum's reaction to my simulations of the GPC were positive, GE did not feel the same way. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]. (See Ex. 154 at GE\_SDM\_00005377.)

17. Despite these uncertainties and concerns, on August 3, 2010, I sent Mr. Bouhnik a PowerPoint describing the simulation design, phantom data, and projection data that I had used to prepare the simulations and results for the July 2010 meeting. (See Ex. 64.) I asked Mr. Bouhnik to please forward this to Mr. Zilberstien, which he did that day. (*Id.*)

18. Spectrum sent us their first results on August 16, 2010. These results included their simulation and reconstructed images using the phantom and projection data that I had sent. (See Ex. 60.) They did not send us any of their underlying information, such as the simulation

software or reconstruction algorithm. (*See id.*) As Mr. Roth pointed out, there were some differences between Spectrum's results and the results I had obtained. It also appeared that Spectrum had been [REDACTED] (*See id.* at SDML\_01168806, SDML\_01168809.) [REDACTED]

19. I carefully reviewed Spectrum's simulation and results because I wanted to understand why there were differences. I was concerned that Spectrum may have misinterpreted some of the data in the files I sent or had used different specifications than I had used in setting up the simulated system. I had a call with Mr. Roth and others from Spectrum in order to better understand their simulation and the differences from GE's simulation. (*See Ex. 61.*)

20. During the discussions, I learned that Spectrum's simulation had used [REDACTED], which were different than what I had understood and simulated. It also appeared that Spectrum's system could not use the phantom data I sent, and Spectrum had to [REDACTED]; we suspected that this [REDACTED] affected the hotspots in the phantom which may have led to Spectrum's [REDACTED] in the phantom data I had sent. In my simulation, I had also misunderstood how Spectrum was defining "detector location" and I had used a different location than Spectrum ultimately used in their simulation. (*See Ex. 61.*)

21. Following this discussion, I agreed to prepare a new simulation system using different collimators to match what Spectrum used in their simulation and I revised the geometry data to reflect the "detector location" used by Spectrum. These collimators were not [REDACTED]

b). I also prepared a new phantom that was designed to specifically meet the requirements of



Spectrum's system and prepared some other data files to address other differences we observed.

(*See id.*)

22. After we had agreed that I would take these steps and provide new data to Spectrum, I received an email from Mr. Zilberstien. [REDACTED]

[REDACTED] (*See Ex. 348.*) [REDACTED]

23. [REDACTED]

[REDACTED] (*See Ex. 359 GE\_SDM\_00366607.*) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (*See id.*)

24. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (*See Ex. 360 GE\_SDM\_00366595.*) [REDACTED]

[REDACTED]

[REDACTED] (*See id.*) [REDACTED]

[REDACTED]

25. A few weeks later, Spectrum sent us some additional simulation results in which they revealed that they had used yet another collimator design – an [REDACTED] [REDACTED] (Ex. 62.) This collimator design was [REDACTED] but, again, there was no indication that it was [REDACTED] (*See id.*) The results of these simulations showed that Spectrum had been able to resolve one of the previously missed hotspots [REDACTED] [REDACTED]. (*See id.*) The other hotspot could only be resolved using Spectrum’s [REDACTED] [REDACTED] (*See id.* at SDML\_00038341.) Spectrum concluded that it needed to “better refine system specification.” (Ex. 62 at SDML\_00038341.)

26. I was generally pleased to see that Spectrum had been able to resolve one of the hotspots based on the new phantom dataset, but I still wanted to get to a point where the projections that I generated could be shared with and reconstructed by Spectrum without further tinkering or adjusting. I thought that this gap could be bridged if I traveled to Israel again and worked together with Spectrum’s team to resolve remaining issues. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (*See* Ex. 361 GE\_SDM\_00108519.)

27. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (*See* Ex. 69.) [REDACTED]  
[REDACTED]

28. [REDACTED]

[REDACTED] (See Ex. 69 at  
GE\_SDM\_00005088.) [REDACTED]

[REDACTED] (*Id.*) As the resolution of a collimator increases, the acceptance angle decreases. Consequently, fewer gamma rays are detected per unit of time, and this results in relatively poor signal to noise ratio in the projection data. When such projections are reconstructed, they result in excess noise in the image. In other words – if the exact same acquisition was done twice, the second acquisition would result in significantly different voxel intensities. [REDACTED]

[REDACTED] (*See id.*)

29. After I sent this email, my involvement with the Spectrum due diligence project became reduced. In my role as Chief Scientist of Imaging Systems at the time, I was one of the lead scientists on multiple projects and I needed to focus more of my time on advancing those projects. As a result, I generally was not involved in the due diligence that resumed with Spectrum in late 2011 and early 2012.


30. Because my time became more committed to other projects at GE, I had less availability to assist the GE team in Israel in preparing simulations and projections for their own research efforts. In the past, as in the Spectrum due diligence, I had worked closely with the GE team in Israel and one of the individuals there who worked on simulations, Lana Volokh.

31. My understanding is that as my availability decreased, the GE team in Israel wanted to build up their own simulation team that build a new simulation system [REDACTED]

[REDACTED]. I don't recall that I had any involvement in their development of that simulation tool, [REDACTED]

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: October 25, 2021.

  
\_\_\_\_\_  
Floribertus P. Heukensfeldt Jansen

**Declaration of Floris Jansen: Appendix A****Index of Exhibits**

<b>Exhibit Number</b>	<b>Description</b>
55	Email dated September 16, 2009 from Jim Haisler to Yoel Zilberstien, Nathaniel Roth, Benny Rousso, and Gilad Yoeli Re: Agenda and Latest PPT Presentation For Today including 2 attachments “SD GE Agenda 9 16.docx” and “Adaptive Scanning Sept 15.pptx” (SDML_01279739-807). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
60	Email dated August 16, 2010 from Nathaniel Roth to Floris Jansen (GE Global Research), Alexander Ganin (GE Healthcare), Jean-Paul Bouhnik (GE Healthcare), Yoel Zilberstien, Ran Ravhon, and Gilad Yoeli Re: GPC simulation including an attachment/PowerPoint presentation titled “Spectrum Dynamics GPC Simulations” (SDML_01168791-816). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
61	Email dated August 26, 2010 from Nathaniel Roth to Floris P Jansen (GE Global Research), Alexander Ganin (GE Healthcare), Jean-Paul Bouhnik (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Yoel Zilberstien, Ran Ravhon, and Gilad Yoeli RE: GPC simulation (SDML_00263114-16). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
62	Email dated September 12, 2010 from Nathaniel Roth to Floris Jansen (GE Global Research), Alexander Ganin (GE Healthcare), Jean-Paul Bouhnik (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Yoel Zilberstien, Ran Ravhon, and Gilad Yoeli RE: GPC Simulation including an attachment/PowerPoint presentation titled “Spectrum Dynamics GPC Simulations” (SDML_00038321-41). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
63	Email dated September 13, 2010 from Nathan Hermony to Jean-Paul Bouhnik, Riyadh Mahameed, and Arie Eshco RE: GPC simulation (containing in the chain an email dated August 25, 2010 from Floris P Jansen (GE Global Research) to Nathaniel Roth, Alexander Ganin (GE Healthcare), Jean-Paul Bouhnik (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Yoel Zilberstien, Ran Ravhon, and Gilad Yoeli RE: GPC simulation; and an email dated September 12, 2010 from Nathaniel Roth to Floris Jansen (GE Global Research), Alexander Ganin (GE Healthcare), Jean-Paul Bouhnik (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Yoel Zilberstien, Ran Ravhon, and Gilad Yoeli RE: GPC simulation) (GE_SDM_00366546-49). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)

<b>Exhibit Number</b>	<b>Description</b>
64	Email dated August 3, 2010 from Jean-Paul Bouhnik to Yoel Zilberstien, Floris P Jansen, Alexander Ganin, and Shuchi Varandani RE: project data (containing in the chain an Email dated August 3, 2010 from Floris Jansen to Jean-Paul Bouhnik (GE Healthcare), Alexander Ganin (GE Healthcare), and Ravindra Manjeshwar (GE Global Research) RE: projection data including an attachment/PowerPoint presentation “Spotlight simulations – data conventions – August 2010” by Floris Jansen) (SDML_00733345-53) (Highly Confidential – Attorneys’ Eyes Only)
65	Email dated June 30, 2010 from Nathaniel Roth to Floris P Jansen (GE Research), Yoel Zilberstien, Jean-Paul Bouhnik (GE Healthcare), Alexander Ganin (GE Healthcare), and Shuchi Varandani (GE Healthcare) RE: Yoel including an attachment/PowerPoint presentation “Spotlight Simulations” dated June 2010 by Floris Jansen (SDML_00038342-50). (Highly Confidential – Attorneys’ Eyes Only)
66	Email dated July 4, 2010 from Nathaniel Roth to Floris P Jansen (GE Global Research, Yoel Zilberstien, Jean-Paul Bouhnik (GE Healthcare), Alexander Ganin (GE Healthcare), and Shuchi Varandani (GE Healthcare) RE: Yoel (SDML_00038351-55). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
69	Email dated September 20, 2010 from Floris P Jansen (GE Global Research) to Yoel Zilberstien, Alexander Ganin (GE Healthcare), Ravindra Manjeshwar (GE Global Research), Jean-Paul Bouhnik (GE Healthcare), Riyad Mahameed (GE Healthcare), Suchi Varandani (GE Healthcare), and Nathan Hermony (GE Healthcare) RE: GPC Simulation (GE_SDM_00005088-92). (CONFIDENTIAL)
97	Email dated June 24, 2010 from Alexander Ganin (GE Healthcare) to Floris P Jansen (GE Research), Shuchi Varandani (GE Healthcare) and Jean-Paul Bouhnik (GE Healthcare) RE: Yoel (GE_SDM_00012345-46). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
134	Email dated June 22, 2010 from Nathan Hermony to Erez Levy, Riyad Mahameed, Reuven Brenner, Jean-Paul Bouhnik, and Arie Eshco RE: Spotlight – 6/17 Report Out Deck (GE_SDM_00550471-73). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)

Exhibit Number	Description
154	Email dated August 1, 2010 from Alexander Ganin (GE Healthcare) to Jean-Paul Bouhnik (GE Healthcare), Floris Jansen (GE Global Research), Riyadh Mahameed (GE Healthcare), Nathan Hermony (GE Healthcare), Aharon Peretz (GE Healthcare), Osnat Zak (GE Healthcare), Reuven Brenner (GE Healthcare), Tzachi Rafaeli (GE Healthcare), Terri Bresenham (GE Healthcare, GE Officer), and Shuchi Varandani (GE Healthcare) RE: spotlight visit – review of simulation (GE_SDM_00005376-77). (HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY)
200	Email dated September 25, 2009 from Nathan Hermony to Riyadh Mahameed, Jean-Paul Bouhnik, and Erez Levy RE: FW: GP simulations 3 including an attachment/PowerPoint presentation titled “GP simulations” (GE_SDM_00286577-97). (HIGHLY CONFIDENTIAL-ATTORNEYS’ EYES ONLY)
348	Email dated August 29, 2010 from Riyadh Mahameed to Sabrina Solomon and Jean-Paul Bouhnik RE: FW: GPC simulation (GE_SDM_00366615 - GE_SDM_00366618). (HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY)
349	Email dated August 2, 2010 from Yoel Zilberstien to Shuchi Varandani and Jim Haisler RE: FW: Yoel (GE_SDM_00005355 - GE_SDM_00005358). (Confidential)
359	Email dated August 30, 2010 from Floris Jansen to Nathaniel Roth, Jean-Paul Bouhnik, Ravindra Manjeshwar, and Ran Ravhon RE: RE: GPC simulation, [Native Attachments Omitted] (GE_SDM_00366607 - GE_SDM_00366614). (Confidential)
360	Email dated August 31, 2010 from Floris Jansen to Jean-Paul Bouhnik RE: RE: SD lesion sizes (GE_SDM_00366595 - GE_SDM_00366596). (HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY)
361	Email dated September 15, 2010 from Floris Jansen to Nathaniel Roth, Yoel Zilberstien, Jean-Paul Bouhnik, Ravindra Manjeshwar, Alexander Ganin, and Riyadh Mahameed RE: RE: GPC simulation, [Native Attachments Omitted] (GE_SDM_00108519 - GE_SDM_00108524). (Confidential)